

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
NEC Grace Road at Eila Avenue
3225 Grace Road
12th Election District
5th Councilmanic District
Michael Loncala
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-274-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side street setback of 2 ft. in lieu of the required 25 ft. for a garage addition, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

This property is located within the Chesapeake Bay Critical Areas and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), upon completion of their findings. The relief granted herein shall be conditioned upon Petitioner's compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of April, 1992 that the Petition for a Zoning Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side street setback of 2 ft. in lieu of the required 25 ft. for a garage addition, in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall not allow or cause the necessary structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
3. There shall be no service garage work performed within the structure or on the subject property at any time.

4. The Petitioner shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated March 19, 1992, attached hereto and made a part thereof.

5. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 16, 1992

Mr. Michael Loncala
3225 Grace Road
Baltimore, Maryland 21219

RE: Petition for Residential Zoning Variance
Case No. 92-274-A

Dear Mr. Loncala:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
encl.

PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side street setback of 2 ft. in lieu of the required 25 ft. for a garage addition on the property located at 3225 Grace Road, 12th Election District, 5th Councilmanic District, Baltimore County, Maryland. The property is located at the intersection of Grace Road and Eila Avenue. The property is currently zoned R-1. The proposed variance is to allow a side street setback of 2 ft. in lieu of the required 25 ft. for a garage addition on the property. The property is currently zoned R-1. The proposed variance is to allow a side street setback of 2 ft. in lieu of the required 25 ft. for a garage addition on the property.

I agree to pay expenses of the above posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

Contract Purchaser:

(Type or print name)

(Signature)

Address

City State Zip Code

Advisory Fee Payable:

(Type or print name)

(Signature)

Address

City State Zip Code

Address

City State Zip Code

Address

City State Zip Code

Address

City State Zip Code

Address

City State Zip Code

Address

City State Zip Code

Address

City State Zip Code

AFFIDAVIT

IN SUPPORT OF ADMINISTRATIVE VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) believe component to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 3225 GRACE RD, BALTIMORE, MD 21219

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance of the above address: public hearing or judicial review

Because of the inground pool located on the property, I am left without sufficient area to locate the garage anywhere else on the property.

That Affiant(s) acknowledge(s) that if a process is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this 16th day of January, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Michael Loncala

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal, January 16, 1992

My Commission Expires: Oct 1, 1992

ZONING DECISION

92-274-A
BEGINNING AT A PIPE ON THE SOUTHWEST SIDE OF GRACE RD WHICH IS 40' WIDE AT THE DISTANCE OF 120' SOUTHWEST OF THE CENTERLINE ON THE NEAREST IMPROVED INTERSECTING STREET (CLARA LANE) WHICH IS 40' WIDE. BEING LOT # 1 THRU 4, BLOCK U, SECTION 111 THE SUBDIVISION OF LYNCH POINT AS RECORDED IN BALTIMORE COUNTY PLAT BOOK # 8, FOLIO # 38 CONTAINING 8500 SQUARE FEET ALSO KNOWN AS 3225 GRACE RD AND LOCATED IN THE 12TH ELECTION DISTRICT
NE corner of Grace Rd at Eila Ave

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 12th

Posted for: 1/16/92

Petitioner: Michael Loncala

Location of property: 3225 Grace Rd

Location of signs: 3225 Grace Rd, across 12th E. on property of Baltimore

Remarks:

Posted by: Michael Loncala

Number of signs: 1

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 12th

Posted for: 1/16/92

Petitioner: Michael Loncala

Location of property: 3225 Grace Rd, across 12th E. on property of Baltimore

Location of signs: 3225 Grace Rd, across 12th E. on property of Baltimore

Remarks:

Posted by: Michael Loncala

Number of signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 19, 1992

THE JEFFERSONIAN,

S. Zeke Ordon

Publisher

\$34.79

 Printed on Recycled Paper

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

JANUARY 30, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: MICHAEL LONCALA
Location: #3225 CFACE ROAD

Item No.: 293 Zoning Agenda: JANUARY 28, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JE/REK

BALTIMORE COUNTY
ECONOMIC DEVELOPMENT COMMISSION
Memorandum

TO: Julie Winiarski
Office of Zoning Administration and
Development Management
FROM: A. J. Haley, Deputy Director
Economic Development Commission
DATE: January 29, 1992
RE: Zoning Advisory Comments for Meeting of January 28, 1992

This office has no comment for items 285, 286, 289, 290, 291, 292, 293, 294, 295, 296 and 297.

RECEIVED
JAN 30 1992
ZONING OFFICE

92-274-A

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: February 13, 1992
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for January 28, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 285, 289, 290, 291, 293, 294, 295 and 296.

For Items 286 and 292 County Review Group Meetings will be required.

For Item 297, the previous County Review Group Comments still remain valid.

[Signature]
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: February 18, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management
FROM: Rahee J. Famili
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: January 28, 1992

This office has no comments for item numbers 285, 290, 291, 292, 294, 295 and 296.

[Signature]
Rahee J. Famili
Traffic Engineer II

RJF/lvd

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director
Office of Zoning Administration
and Development Management
FROM: J. James Dieter, Director
SUBJECT: Petition for Zoning Variance - Item 291
Loncala Property
Chesapeake Bay Critical Area Findings

DATE: March 19, 1992

RECEIVED
MAR 23 1992
ZONING COMMISSIONER

SITE LOCATION

The subject property is located at 3225 Grace Road. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Mr. Michael Loncala

APPLICANT PROPOSAL

The applicant has requested a variance from section 1802.3.C1 of the Baltimore County Zoning Regulations to permit a side street setback of 2 feet in lieu of the required 25 feet for a garage addition.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- Conserve fish, wildlife and plant habitat; and
- Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

Memo to Mr. Arnold Jablon
March 19, 1992
Page 2

REGULATIONS AND FINDINGS

- Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.
Finding: This property is located approximately 200 feet from the tidal waters of Back River. No clearing, grading or disturbance of the shoreline buffer shall occur.
- Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site. Therefore, no clearing, grading or disturbance of wetlands shall occur.

- Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment" <Baltimore County Code Section 26-452(a)>.

Finding: At present the downspouts from the existing house are connected directly to the road. One method to reduce pollutant loadings from a development site is to maximize infiltration of stormwater throughout the site rather than directing discharge to a single point. The applicant agrees to disconnect the existing downspouts and allow them to discharge across the lawn. The rainspouts on the new garage shall be directed to drywells to allow infiltration of stormwater. These adjustments to the on-site stormwater will bring this project into compliance with the above regulation.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations, and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-2904.

JJD:NSS:ju
Attachment
cc: Mr. Michael Loncala
LONCALA/TATNSS

[Signature]
J. James Dieter, Director

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 31, 1992

Mr. Michael Loncala
3225 Grace Road
Baltimore, Maryland 21219

RE: Case No. 92-274-A
Petition for Residential Variance

Dear Mr. Loncala:

Following up my letter to you dated March 13, 1992, enclosed herewith is the bill for advertising and posting costs in the amount of \$86.79. Please forward your check made payable to Baltimore County, Maryland in said amount to the Docket Clerk, Gwen Stephens, c/o Zoning Administration and Development Management office located in Room 109, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204.

After the posting and advertising bill has been paid, I will issue my Order to you granting the requested variance, along with a copy of the paid receipt.

Please call me if you have any questions.

Very truly yours,
[Signature]
Lawrence E. Schmidt

LES:mmm
encl.
cc: Gwen Stephens

RECEIVED
MAR 31 1992
ZONING OFFICE

Baltimore County Government
Zoning Commission
Office of Planning and Zoning

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

March 13, 1992

(410) 887-4386

Mr. Michael Loncala
3225 Grace Road
Baltimore, Maryland 21219

RE: Case No. 92-274-A
Petition for Residential Variance

Dear Mr. Loncala:

This is to acknowledge your recent letter regarding the above captioned case. I have reviewed your letter and it answers the questions which I had regarding your Petition. Thus, it is my intention to approve the variance which you have requested. I will, however, add a restriction to my order prohibiting the conversion of the garage to a second dwelling unit or permitting heavy service work on motor vehicles therein. That is, you have indicated that the garage is for storage purposes for your boat and automobiles.

Notwithstanding my decision, my office has already placed an advertisement of the proposed zoning hearing in a local newspaper and ordered the posting of the property. Although the hearing will not take place in view of my opinion, the cost for this advertising and posting has been sustained. I should have a complete bill for those services within a week. I shall forward same to you as soon as I am advised of those costs. Upon your payment of those fees, my Order granting the requested variance will be issued.

Please call me if you have any questions.

Very truly yours,

[Signature]
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm

COPY

MARCH 3, 1992

Michael Loncala
3225 Grace Road
Baltimore, Maryland 21219

Re: CASE NUMBER: 92-274-A

Dear Petitioner(s):

Please be informed that your file has been reviewed. The Commissioner's Office did not grant or deny the requested relief. Instead it was determined that this matter be set in for public hearing.

As you recall, it now becomes necessary to report the property and run notice of the hearing in two local newspapers and that you will be billed for the reporting and advertising costs.

Formal notification of the hearing date will be forwarded to you shortly.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner
of Baltimore County, Maryland

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

January 28, 1992

(410) 887-3353

Michael Loncala
3225 Grace Road
Baltimore, Maryland 21219

Re: CASE NUMBER: 92-274-A
LOCATION: 3225 Grace Road
12th Election District - 15th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a referee regarding the administrative process.

1) Your property will be posted on or before February 2, 1992. The closing date is February 18, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

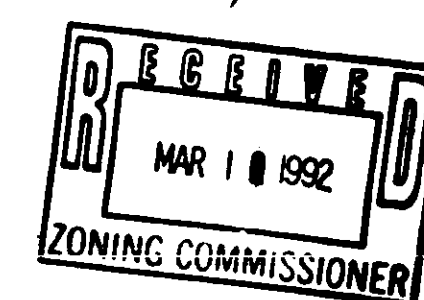
3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner
Baltimore County

Dear Mr. Schmidt,

This letter is in reference to our phone conversation on 3-9-92. We explained on the phone the reason for needing a garage of this size is so it will accommodate my boat and trailer. Because of where the house and inground pool are located on the property there was no other space available to locate a building of that size on the property. The trailer my boat sits on is 27 feet long, that's why I need a structure at least 30 feet long. I assure you I have no other purpose for the garage except to maintain my boat and car. If you have any more questions or need any more information please feel free to contact me by phone or mail. I hope this letter clarifies any suspicions you may have had as to my intentions and you can avoid scheduling this matter for public hearing. Please contact me as soon as possible with your decision.



Thank You
Michael Loncala

CASE# 92-274-A

To Whom it may concern,

I am aware of the garage Mr. Loncala is requesting to build. He has told me the size and where it is to be located on the property. I have no objection to him putting up this structure.

NAME AND ADDRESS:
HELEN M. COPELAND
7102 ELLA AVE.
BALTIMORE, MD. 21219

DATE:
1-14-92

SIGNATURE:
Helen M. Copeland

To Whom it may concern,

I am aware of the garage Mr. Loncala is requesting to build. He has told me the size and where it is to be located on the property. I have no objection to him putting up this structure.

NAME AND ADDRESS:
Sophie White
3743 Grace Rd.
Baltimore 21219 Md

DATE:
Jan 14-1992

SIGNATURE:
Sophie White

To Whom it may concern,

I am aware of the garage Mr. Loncala is requesting to build. He has told me the size and where it is to be located on the property. I have no objection to him putting up this structure.

NAME AND ADDRESS:
Calvin Orlando
3221 Grace Road

DATE: 1/14/92

SIGNATURE: Calvin Orlando



Plat to accompany Petition for Zoning Variance ☒ Special Hearing ☐

PROPERTY ADDRESS: 3225 GRACE RD
Subdivision name: LYNCH-PORT
plat book: 22 folios 362 lots 1-4 sections 2
OWNER: MICHAEL LONCALA

92-274-A

Map showing Grace Rd, Ella Ave, and surrounding lots. A north arrow is present.

LOCATION INFORMATION
Councilmanic District: 15
Election District: 12
1"=200' scale map: SE 51
Zoning: DR 5.5
Lot size: 8500 square feet
acreage
SEWER: ☒ public ☐ private
WATER: ☒ public ☐ private
Chesapeake Bay Critical Area: ☒
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!
reviewed by: *W* ITEM #: CASE#
date: 1-4-1992 prepared by: MICHAEL LONCALA Scale of Drawing: 1"= 50'

92-274-A



**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP**

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE
1" = 200' ±

LOCATION

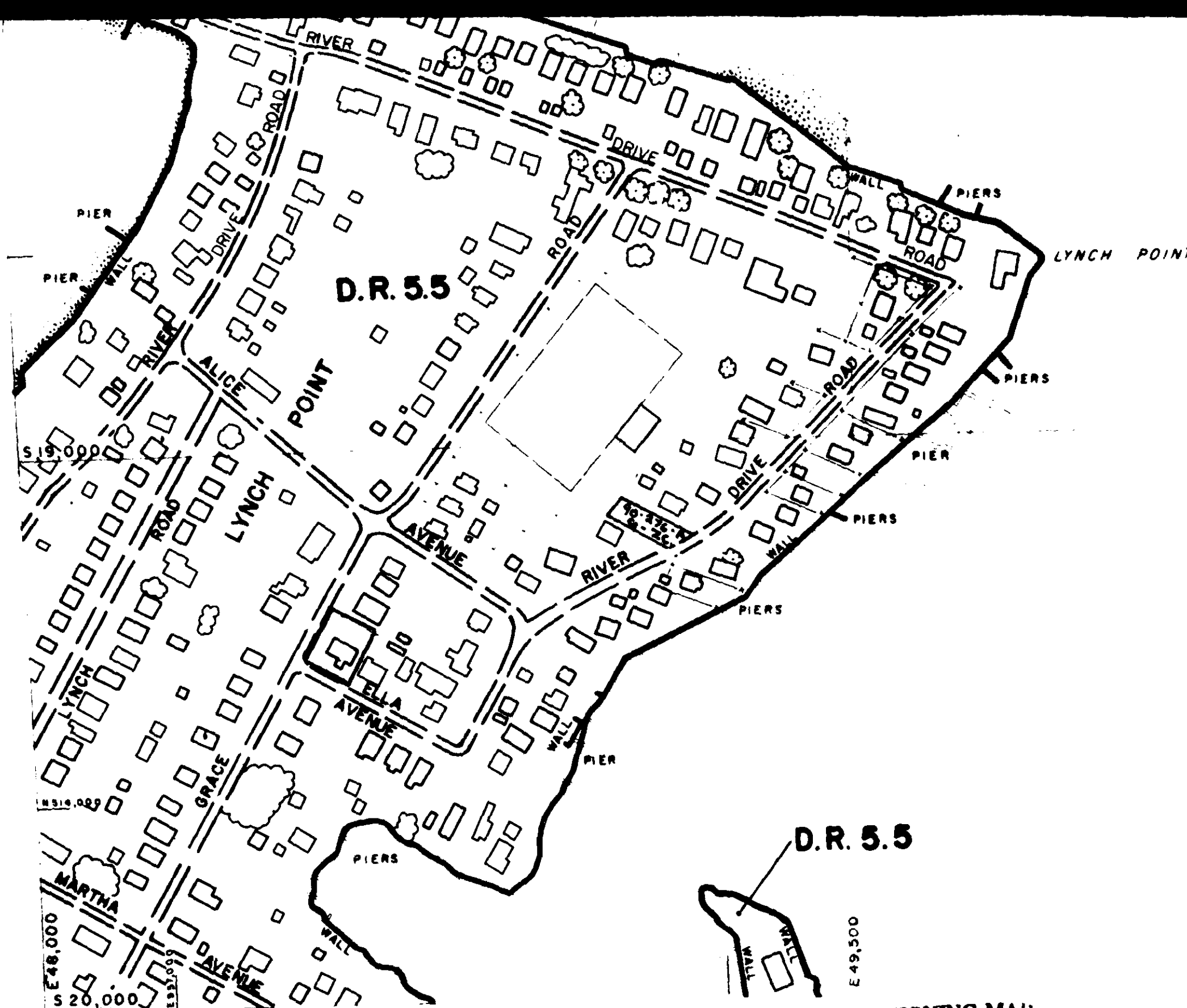
SHEET

DATE
OF
PHOTOGRAPHY
JANUARY
1986

EDGE MERE

S. E.
5-I

29.



E-SE
A-NE

1988 COMPREHENSIVE ZONING MAP
Adopted by the Board of County Council
October, 1988
BIM Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

(REVISED 12-1-92)

**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

SCALE
1" = 200' ±

LOCATION

SHEET

DATE
OF
PHOTOGRAPHY
JANUARY
1986

EDGE MERE

S. E.
5-1

29